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EXAMINER

CHANDLER, SARA M

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/970,078	<b>Applicant(s)</b> BUNDA, JOHN	
	<b>Examiner</b> Sara Chandler	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/12/04, 4/7/04, 7/18/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

5/28/03, 11/27/02, 4/9/02

## **DETAILED ACTION**

### ***Claim Objections***

Claims 19,20,40 and 41 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

MPEP 608.01(n), Section III provides the "Infringement Test" to determine if a claim is a proper dependent claim: The MPEP states:

The test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim.

Claims 19 and 40 are improper dependent claims because they provide for "A computer memory medium comprising a computer executable software program configured to execute the method of claims 1 and 21, respectively." Claims 19 and 40 fail the infringement test because one could infringe claims 19 or 40, but not claims 1 or 21, by having a computer memory medium comprising a computer executable software program that is capable of executing the method of claims 1 or 21, but does not do so.

Claims 20 and 41 are improper dependent claims because they provide for "A computer system configured to implement the method of claims 1 or 21, respectively." Claims 20 and 41 fail the infringement test because one could infringe claims 20 and 41, but not claims 1 or 21, by having a computer system that is able to implement the method of claims 1 or 21, but does not do so.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1,11,12,13,20,21,32,33 and 41** are rejected under 35 U.S.C. 102(b) as being anticipated by Toy, US Pat. No. 4,554,418.

**Re Claim 1:** Toy discloses a computer implemented method of providing a notification to a user, the method comprising:

receiving configuration information from a user, wherein the configuration information comprises a trigger condition and a request to send a notification to the user (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65);

receiving market price information regarding at least the one security (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65);

determining if a market price from the received market price information meets the trigger condition (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65); and

sending a notification to the user if the trigger condition is met (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65). [Toy provides a method that monitors and notifies a user about changing data,

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such as that related to market and stock market information (see, abstract). The data may relate to specific securities (see, col. 3, lines 31-33). The user chooses the configuration information by selecting the criteria and conditions that apply (see, col. 3, lines 34-36). There are several references to trigger values and threshold values (see, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). In fact, if the received data (i.e., data related to market/stock market information) meets a threshold or trigger condition the user is notified (see, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65).]

**Re Claim 21:** Toy discloses a computerize-implemented method of providing a notification to a user comprising:

receiving configuration information from a user, wherein the configuration information comprises a trailing trigger condition and a request to send a notification to the user (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65);

receiving market price information regarding at least the one security (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65);

determining if a desirable market price change has taken place, and if so, changing the trailing trigger condition (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65);

determining if a market price from the received market price information meets the trigger condition (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65); and

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sending a notification to the user if the trigger condition is met (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65). [Toy provides a method that monitors and notifies a user about changing data, such as that related to market and stock market information (see, abstract). The data may relate to specific securities (see, col. 3, lines 31-33). The user chooses the configuration information by selecting the criteria and conditions that apply (see, col. 3, lines 34-36). There are several references to trigger values and threshold values (see, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). In fact, if the received data (i.e., data related to market/stock market information) meets a threshold or trigger condition the user is notified (see, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). The application is also applicable to trailing trigger conditions because of the references the parameters being adaptive (see, Fig. 1, col. 3, lines 51-56, col. 8, lines 53-65)]

**Re Claims 11:** Toy discloses a method wherein the trigger condition comprises: a trigger value or a trigger price (Toy , Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65) There are several references to trigger values or threshold values. The threshold value is like a trigger relationship. When the value or price satisfies some relationship requirement (e.g., greater than, less than, equal to etc.) relative to the threshold value the user is notified).

**Re Claim 12 and 13:** Toy discloses a method wherein the trigger condition comprises a trigger relationship (Toy , Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65); and wherein the trigger relationship comprises a less than, less than or equal to, equal to, greater than or equal to, or greater than relationship (Toy , Fig. 1; Fig. 2; col. 3, lines

42-50; col. 8, lines 46-65, There are several references to trigger values or threshold values. The threshold value is like a trigger relationship. When the value or price satisfies some relationship requirement (e.g., greater than, less than, equal to etc.) relative to the threshold value the user is notified).

**Re Claim 20 and 41:** Toy discloses a computer system configured to implement the method of claim 1 (Toy, col. 5, lines 1-15).

**Re Claim 32:** Toy discloses a method wherein the trigger condition further comprise a trailing trigger value or a trailing trigger price (Toy , Fig. 1; Fig. 2; col. 3. lines 42-50; col. 8, lines 46-65, There are several references to trigger values or threshold values. The threshold value is like a trigger relationship. When the value or price satisfies some relationship requirement (e.g., greater than, less than, equal to etc.) relative to the threshold value the user is notified; Toy, Fig. 1, col. 3, lines 51-56, col. 8, lines 53-65, The application is also applicable to trailing trigger conditions because of the references the parameters being adaptive).

**Re Claim 33:** Toy discloses a method wherein the trigger condition comprises a trailing trigger relationship (Toy , Fig. 1; Fig. 2; col. 3. lines 42-50; col. 8, lines 46-65, trigger values and threshold values; Fig. 1, col. 3, lines 51-56, col. 8, lines 53-65, applicable to trailing trigger conditions and trigger relationships because of the references the parameters being adaptive).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 2,3,7,15,16,22,23,24,31,34,36 and 37** are rejected under 35 U.S.C..

103(a) as being unpatentable over Toy, US Pat. No. 4,554,418

**Re Claims 2 and 22:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36); wherein the data may relate to a specific security (see, col. 3, lines 31-33); and notifying the user if the market price from the received market price information meets the trigger condition (see, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). Toy fails to explicitly disclose a method wherein the configuration information further comprises an order for at least one security; and wherein the method further comprises transferring the order to an entity for execution of the order if the market price from the received market price information meets the trigger condition.

Official Notice is taken that was old and well-known at the time of the invention execute an order if specified purchase conditions are met. For example, the execution of an order related to a contract is often contingent on conditions such as the price, quantity,



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warranties etc. being satisfied. For example, in an auction the execution of an order may be contingent on conditions such as a bid being more or less than a given price. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method wherein the configuration information further comprises an order for at least one security; and wherein the method further comprises transferring the order to an entity for execution of the order if the market price from the received market price information meets the trigger condition. One would have been motivated to provide users with the ability to profit from positive changes in the market and limit losses from adverse changes in the market.

**Re Claims 3 and 23:** Toy fails to explicitly disclose a method further comprising displaying order information to the user after the order is transferred. Official Notice is taken that it was old and well-known for businesses to display order information to users. For example, business frequently display order information to users and clients via receipts, confirmation screens, prompts etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method further comprising displaying order information to the user after the order is transferred. One would have been motivated to provide users with a record of transactions related to their account and the account status.

**Re Claim 7 and 24:** Toy discloses a method wherein the user is notified (Toy, abstract; Fig. 1; Fig. 2; col. 2, lines 44-48; col. 2, lines 60-65; col. 3, line, 21- col. 4, line 44; col. 8, lines 46-65; col. 7, lines 10-13, notified via phone, computer, data terminal etc.). Toy fails to explicitly disclose a method wherein the notification comprises an

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electronic mail sent to the user, a page sent to the user, or a text box displayed to the user on a user interface. Official Notice is taken that it is old and well-known to notify users of time-sensitive information via any medium that would relay information in a fast and reliable manner. For example, advances in computer and telecommunications technology have led business to send news and marketing information to users via e-mail, PDA's, pagers, cell-phones, screens displayed on users interfaces while consumers use a computer etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Toy to provide a method wherein the notification comprises an electronic mail sent to the user, a page sent to the user, or a text box displayed to the user on a user interface. As Toy suggests, one would be motivated to notify users of time sensitive information regarding rapidly changing and fluctuating market and stock market conditions.

**Re Claim 15 and 16:** Toy discloses a method comprising market and stock market information (Toy, abstract, col. 5, lines 16-29); and a method comprising a trigger price or trigger value (Toy, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). Toy fails to explicitly disclose a method further comprising generating at least one chart using the market price information.; and wherein the at least one chart generated comprises a trigger price or trigger value. Official Notice is taken that it is old and well-known to use charts to represent data and changes in data. For example, management reports frequently use charts to illustrate management performance, performance of different sectors, changes in stock prices etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method

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further comprising generating at least one chart using the market price information; and wherein the at least one chart generated comprises a trigger price or trigger value. One would have been motivated to provide users with an user-friendly format for receiving data that would aid better and more time decision making.

**Re Claim 31:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36) and wherein calculations can be performed on received data (Toy, col. 3, lines 34-41; col. 5, lines 29-38). Toy fails to explicitly disclose a method wherein the configuration information comprises a pullback value. Official Notice is taken that is old and well-known to use comparative calculations such as price differences to make decision about securities. For example, an investor may choose to purchase a security if the market price is increasing relative to the historical price. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method wherein the configuration information comprises a pullback value. One would have been motivated to use the pullback value to help make decisions about changing prices.

**Re Claim 34:** Toy discloses a method wherein there is a trigger relationship (Toy , Fig. 1; Fig. 2; col. 3. lines 42-50; col. 8, lines 46-65, trigger values and threshold values; Fig. 1, col. 3, lines 51-56, col. 8, lines 53-65, applicable to trailing trigger conditions and trigger relationships because of the references the parameters being adaptive). Toy fails to explicitly disclose a method wherein the trigger relationship comprises a trailing buy or a trailing sell relationship. Official Notice is taken that is old and well-known to

In trading to have restrictions applicable to buying and selling in changing market conditions. For example, an investor may be interested in buying if the trend is that prices will continue to rise and he may want to sell if the trend is that the price will continue to fall. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method wherein the trigger relationship comprises a trailing buy or a trailing sell relationship. One would have been motivated by a financial strategy focusing on maximizing profits and minimizing losses.

**Re Claims 36 and 37:** Toy discloses a method comprising market and stock market information (Toy, abstract, col. 5, lines 16-29); and a method comprising a trigger price or trigger value (Toy, Fig. 1; Fig. 2; col. 3, lines 42-50; col. 8, lines 46-65). Toy fails to explicitly disclose a method further comprising generating at least one chart using the market price information.; and wherein the at least one chart generated comprises a trailing trigger price or trailing trigger value. Official Notice is taken that is old and well-known to use charts to represent data and changes in data. For example, management reports frequently use charts to illustrate management performance, performance of different sectors, changes in stock prices etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy to provide a method further comprising generating at least one chart using the market price information; and wherein the at least one chart generated comprises a trailing trigger price or trailing trigger value. One would have been motivated to provide users with an user-friendly format for receiving data that would aid better and more time decision making.

**Claims 4,5,6,8,9,10,19,25,26,27,28,29,30 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy, US Pat. No. 4,554,418 in view of Sposito, US Pub. No. 2001/0042033 A1.

**Re Claims 4,5,6, 27,28 and 29:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method wherein the configuration information comprises: a position closing order; a market center preference; a discretionary limit value, or discretionary limit price.

Sposito discloses a method wherein the configuration information comprises: a position closing order; a discretionary limit value, or discretionary limit price (Sposito, [0008]-[0018]. Sposito fails to explicitly disclose a method wherein the configuration information comprises: a market center preference.

Official Notice is taken that it is old and well-known to have market information related to market centers. The NASDAQ Stock Market uses the Electronic Communications Networks ("ECN"s) and Small Order Exchange System ("SOES"), for example. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy, Sposito to provide a method wherein the configuration information comprises: a position closing order; a market center preference; a discretionary limit value, or discretionary limit price. As suggested by Toy one would be motivated to

monitor market and stock market information to inform investors about events or trends of interest.

**Re Claims 8 and 25:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method further comprising transferring a position opening order; wherein the configuration information comprises the position opening order.

Sposito discloses a method wherein the configuration information comprises: a position opening order (Sposito, [0008]-[0018]). Sposito fails to explicitly disclose a method further comprising transferring a position opening order; wherein the configuration information comprises the position opening order.

Official Notice is taken that is old and well-known to take different positions and transfer the position as needed for a financial strategy. For example, long positions are often taken in accordance with an expectation of rising prices. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy and Sposito to provide a method further comprising transferring a position opening order; wherein the configuration information comprises the position opening order. One would have been motivated by a financial strategy focusing on maximizing profits and minimizing losses.

**Re Claim 9:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the

configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method further comprising transferring a position opening order before receiving configuration information from the user.

Sposito discloses a method wherein the configuration information comprises: a position opening order (Sposito, [0008]-[0018]). Sposito fails to explicitly disclose a method further comprising transferring a position opening order before receiving configuration information from the user.

Official Notice is taken that is old and well-known to take different positions and transfer the position as needed for financial strategy. For example, long positions are often taken in accordance with an expectation of rising prices.

It would have been obvious to one of ordinary skill in the art to modify the teachings of Toy and Sposito to provide a method further comprising transferring a position opening order before receiving configuration information from the user. One would have been motivated by a financial strategy focusing on maximizing profits and minimizing losses.

**Re Claim 10:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method wherein the configuration information comprises a stop loss value, or a stop loss price. Sposito discloses a method wherein the configuration information comprises a stop loss value, or a stop loss price (Sposito, [0008]-[0018]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a method wherein the configuration information comprises a stop loss value, or a stop loss price. One would have been motivated to minimize losses due the rapidly changing and fluctuating market suggested in Toy.

**Re Claim 19 and 40:** Toy fails to explicitly disclose a computer memory medium comprising a computer executable software program configured to execute the method. Sposito discloses a computer memory medium comprising a computer executable software program configured to execute the method (Sposito, [0022],[0023]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Toy and Sposito to provide a computer memory medium comprising a computer executable software program configured to execute the method of claim 1. One would have been motivated to implement the method in a time-efficient manner to accommodate the fluctuating market conditions.

**Re Claim 26:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method wherein the configuration information comprises a position opening order.

Sposito discloses a method wherein the configuration information comprises: a position opening order (Sposito, [0008]-[0018]). Sposito fails to explicitly disclose a method wherein the configuration information comprises a position opening order.



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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Toy and Sposito to provide a method wherein the configuration information comprises a position opening order. One would have been motivated by a financial strategy focusing on maximizing profits and minimizing losses.

**Re Claim 30:** Toy discloses a method wherein there is configuration information related to market and stock market information (Toy, col. 3, lines 34-36, The user chooses the configuration information by selecting the criteria and conditions that apply to the received data related to market and stock market information). Toy fails to explicitly disclose a method wherein the configuration information comprises a trailing stop loss initial value, or a trailing stop loss initial price.

Sposito discloses a method wherein the configuration information comprises a stop loss value, or a stop loss price (Sposito, [0008]-[0018]. Sposito fails to explicitly disclose a method wherein the configuration information comprises a trailing stop loss initial value, or a trailing stop loss initial price.

Official Notice is taken that it was old and well-known to modify a financial services method over time to accommodate changing market conditions. For example, changing market conditions, changing user preferences, changes in time all justify a need for an adaptive method of handling financial services.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy and Sposito to provide a method wherein the configuration information comprises a trailing stop loss initial value, or a trailing stop

loss initial price. One would have been motivated to adapt to the rapidly changing and fluctuating market suggested in Toy by minimizing losses and maximizing profits.

**Claims 14 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy, US Pat. No. 4,554,418 in view of Kalmus, US Pat. No. 4,674,044.

**Re Claim 14 and 35:** Toy discloses a method wherein there is market and stock market information (Toy, abstract, col. 5, lines 16-29). Toy fails to explicitly disclose wherein the market price information comprises at least one bid price, or at least one ask price. Kalmus discloses wherein the market price information comprises at least one bid price, or at least one ask price (Kalmus, abstract, col. 1, lines 6-15; col. 1, lines 54-68). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Toy and Kalmus to provide a method wherein the market price information comprises at least one bid price, or at least one ask price. As suggested by Toy, one would have been motivated to provide as much market and stock market information as necessary to inform investors of the events or trends they are interested in.

**Claims 17,18,38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toy, US Pat. No. 4,554,418 in view of Sprenger, US Pat. No. 6,185,555.

**Re Claim 17,18,38 and 39:** Toy fails to explicitly disclose wherein the method is implemented on two or more computers connected by a network; wherein the network comprises the Internet. Sprenger discloses wherein the method is implemented on two or more computers connected by a network (Sprenger, Fig. 5, col. 7, lines 57-67);

wherein the network comprises the Internet (Sprenger, Fig. 5, coll. 7, lines 18-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Toy and Sprenger to provide wherein the method is implemented on two or more computers connected by a network; wherein the network comprises the Internet. One would have been motivated to reach a large user base and to have a easily accessible means of communication with several users concurrently.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

French, US Pat. No. 6,188,992- adaptively managing investments.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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